



United States Attorney
Southern District of New York

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April 19, 2023

BY ECF

The Honorable Lewis J. Liman
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, N.Y. 10007

Re: *United States v. Isabella Pollok, 20 Cr. 110 (LJL)*

Dear Judge Liman:

The Government writes in response to the defendant's request to adjourn the restitution hearing scheduled for April 20, 2023. As defense counsel noted in its request, the parties have agreed to a proposed restitution figure, namely \$1,941,412.78, but still are discussing an agreement regarding a proposed payment plan. The Mandatory Victim Restitution Act ("MVRA") provides for mandatory restitution to victims of certain crimes, including extortion. *See* 18 U.S.C. § 3663A(c). Section 3664(d)(5) provides that if the victim's losses are not ascertainable ten days prior to sentencing, "the court shall set a date for final determination of the victim's losses, not to exceed 90 days after sentencing." 18 U.S.C. § 3664(d)(5). This rule is merely a "time-related directive" that, although "legally enforceable," does not "deprive the court of the power to order restitution" where the "sentencing court misses the statute's 90-day deadline, even through its own fault or that of the Government." *Dolan v. United States*, 560 U.S. 605, 611 (2010). *Dolan* recognized that a sentencing court retains the power to order restitution "at least" where it has made its intention to impose restitution clear. *Id.* at 608 (emphasis added). Because Pollok was sentenced on February 22, 2023, the 90-day clock contemplated by 18 U.S.C. § 3664(d)(5) terminates on or about May 23, 2023. The Government does not object to an adjournment of the restitution hearing so the parties may continue discussing the Government's proposed payment plan. However, to the extent the adjournment date extends past May 23, 2023, the Government respectfully requests the Court make its intent to impose restitution clear.

Respectfully submitted,

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